



UNITED STATES DISTRICT COURT  
FOR THE CENTRAL DISTRICT OF CALIFORNIA  
SOUTHERN DIVISION  
October 2007 Grand Jury

UNITED STATES OF AMERICA,  
Plaintiff,  
v.  
HENRY T. NICHOLAS, III,  
Defendant.

SA CR 08  
**SA CR 08 - 00140**  
I N D I C T M E N T  
[21 U.S.C. § 846: Conspiracy to  
Distribute and Possess With  
Intent to Distribute Controlled  
Substances and to Maintain Places  
for the Purpose of Distributing  
and Using Controlled Substances;  
21 U.S.C. § 846: Conspiracy to  
Acquire Controlled Substances By  
Fraud and Deception; 21 U.S.C.  
§ 856(a)(1): Maintaining and  
Using a Place for the Purpose of  
Distributing and Using Controlled  
Substances]  
[UNDER SEAL]

KY

1 The Grand Jury charges:

2 **COUNT ONE**

3 **[21 U.S.C. § 846]**

4 **I. INTRODUCTION**

5 At all times relevant to this Indictment:

6 1. Defendant HENRY T. NICHOLAS, III ("NICHOLAS") was an  
7 individual residing in Orange County, within the Central District  
8 of California. Defendant NICHOLAS was a co-founder of Broadcom  
9 Corporation ("Broadcom"), a publically held technology company  
10 headquartered in Irvine, California. From approximately 1998  
11 through 2003, defendant NICHOLAS served as Broadcom's Chief  
12 Executive Officer and co-chairman of Broadcom's Board of  
13 Directors.

14 2. Defendant NICHOLAS owned, possessed, leased, used and  
15 maintained one or more of the following properties for, among  
16 other things, the purpose of distributing and using controlled  
17 substances:

18 a. A residential real property located on Rodeo  
19 Circle, Laguna Hills, California (the "Rodeo Residence").

20 b. A commercial warehouse-office space located at  
21 27324 Camino Capistrano, including Suites 165 and 166, Laguna  
22 Niguel, California (the "Warehouse").

23 c. A residence located at 9 Telescope, Newport Coast,  
24 California (the "Telescope House").

25 d. A condominium-style residence located at One  
26 Turnberry Place, 2877 Paradise Road, Suite 3201, Las Vegas,  
27 Nevada (the "Turnberry Condo").

1 **II. OBJECTS OF THE CONSPIRACY**

2 3. Beginning in approximately January 1999 and continuing  
3 through at least approximately December 2005, in Orange County,  
4 within the Central District of California, and elsewhere,  
5 defendant NICHOLAS and other co-conspirators both known and  
6 unknown to the Grand Jury knowingly and intentionally conspired  
7 and agreed with each other:

8 a. To distribute and possess with intent to distribute  
9 controlled substances, including, without limitation, MDMA  
10 (ecstasy), a Schedule I Controlled Substance, and cocaine and  
11 methamphetamine, Schedule II Controlled Substances, in violation  
12 of Title 21, United States Code, Section 841(a)(1); and

13 b. To maintain places, namely, the Rodeo Residence,  
14 the Warehouse, the Telescope House, and the Turnberry Condo, for  
15 the purpose of distributing and using controlled substances in  
16 violation of Title 21, United States Code, Section 856(a)(1).

17 **III. MEANS BY WHICH THE OBJECTS OF THE CONSPIRACY WERE TO BE**  
18 **ACCOMPLISHED**

19 4. The objects of the conspiracy were carried out, and  
20 were to be carried out, in substance, as follows:

21 a. Defendant NICHOLAS maintained places, namely, the  
22 Rodeo Residence, the Warehouse, the Telescope House, and the  
23 Turnberry Condo (the "Drug-Involved Premises") for the purpose of  
24 distributing and using controlled substances;

25 b. Defendant NICHOLAS obtained and employed, directed,  
26 and caused co-conspirators and associates to obtain controlled  
27 substances, including, without limitation, MDMA (ecstasy),  
28

1 cocaine, and methamphetamine, for distribution and use at the  
2 Drug-Involved Premises and elsewhere;

3 c. At times, defendant NICHOLAS employed, directed,  
4 and caused co-conspirators and associates to invoice defendant  
5 NICHOLAS for such controlled substances using various code words,  
6 including, without limitation, "supplies," "party favors,"  
7 "refreshments," and "E" (ecstasy).

8 d. Defendant NICHOLAS obtained and employed, directed,  
9 and caused co-conspirators and associates to obtain large  
10 quantities of cash from financial accounts under defendant  
11 NICHOLAS's control for purchasing controlled substances and  
12 maintaining the Drug-Involved Premises;

13 e. Defendant NICHOLAS spiked the drinks of others with  
14 MDMA (ecstasy) without their knowledge, including, without  
15 limitation, the drinks of technology executives and  
16 representatives who worked for Broadcom's customers;

17 f. Defendant NICHOLAS hired prostitutes and escorts  
18 for himself and customers, representatives, and associates of  
19 Broadcom and other businesses entities with which he was  
20 affiliated and supplied such prostitutes and escorts with  
21 controlled substances; and

22 g. Defendant NICHOLAS used threats of physical  
23 violence and death and payments of money to attempt to conceal  
24 his unlawful conduct.

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1 **IV. OVERT ACTS**

2 5. In furtherance of the conspiracy, and to accomplish its  
3 objects, on or about the following dates, defendant NICHOLAS and  
4 other co-conspirators known and unknown to the Grand Jury  
5 knowingly and intentionally committed and caused others to commit  
6 the following overt acts, among others, in the Central District  
7 of California and elsewhere:

8 **Overt Act No. 1:** In 1999, defendant NICHOLAS possessed and  
9 maintained the Rodeo Residence.

10 **Overt Act No. 2:** In early 1999, at the Rodeo Residence,  
11 defendant NICHOLAS distributed tablets of MDMA (ecstasy) to  
12 several associates.

13 **Overt Act No. 3:** In or around 1999, defendant NICHOLAS  
14 constructed an underground room and tunnel on the Rodeo Residence  
15 property.

16 **Overt Act No. 4:** In early 1999, in and around Anaheim,  
17 California, defendant NICHOLAS distributed tablets of MDMA  
18 (ecstasy) to several associates.

19 **Overt Act No. 5:** Between approximately July 23 and 25, 1999,  
20 at the Woodstock 1999 Concert, in Rome, New York, defendant  
21 NICHOLAS possessed with intent to distribute MDMA (ecstasy).

22 **Overt Act No. 6:** Between approximately July 23 and 25, 1999,  
23 at the Woodstock 1999 Concert, in Rome, New York, defendant  
24 NICHOLAS distributed MDMA (ecstasy) to a technology executive  
25 without the executive's knowledge.

26 **Overt Act No. 7:** On or about October 9, 1999, at the Rodeo  
27 Residence, defendant NICHOLAS possessed MDMA (ecstasy) and  
28 cocaine.

1       **Overt Act No. 8:** On about October 9, 1999, at the Rodeo  
2 Residence, defendant NICHOLAS distributed and caused to be  
3 distributed MDMA (ecstasy) and cocaine.

4       **Overt Act No. 9:** On or about October 11, 1999, a co-  
5 conspirator invoiced defendant NICHOLAS for, among other things,  
6 the purchase of controlled substances described as "Party  
7 Favors."

8       **Overt Act No. 10:** On or about October 12, 1999, defendant  
9 NICHOLAS caused a bank wire transfer in the amount of \$15,453 to  
10 a co-conspirator.

11       **Overt Act No. 11:** On or about December 31, 1999, defendant  
12 NICHOLAS possessed and caused to be possessed approximately 300  
13 tablets of MDMA (ecstasy).

14       **Overt Act No. 12:** On or about December 31, 1999, a co-  
15 conspirator invoiced defendant NICHOLAS for, among other things,  
16 approximately 300 tablets of MDMA (ecstasy) described as "Party  
17 Favors (300)" (the "December 31, 1999 Invoice").

18       **Overt Act No. 13:** On or about December 31, 1999, defendant  
19 NICHOLAS caused to be paid the December 31, 1999 Invoice.

20       **Overt Act No. 14:** In 2000, defendant NICHOLAS possessed and  
21 maintained the Rodeo Residence.

22       **Overt Act No. 15:** In or around 2000, defendant NICHOLAS  
23 built out the Warehouse with private rooms, decorative art,  
24 furnishings, and electronics.

25       **Overt Act No. 16:** In or around 2000, defendant NICHOLAS  
26 opened the Warehouse as a place to distribute and use controlled  
27 substances.

1       **Overt Act No. 17:** In early 2000, in New Orleans, Louisiana,  
2 defendant NICHOLAS used MDMA (ecstasy) to spike the drink of a  
3 technology executive without the executive's knowledge.

4       **Overt Act No. 18:** In or around early May 2000, in New  
5 Orleans, Louisiana, defendant NICHOLAS knowingly possessed and  
6 caused to be possessed approximately 50 tablets of MDMA  
7 (ecstasy).

8       **Overt Act No. 19:** In or around May 2000, a co-conspirator  
9 invoiced defendant NICHOLAS for, among other things,  
10 approximately 50 tablets of MDMA (ecstasy) described as "E" (the  
11 "May 2000 Invoice").

12       **Overt Act No. 20:** In or around May 2000, a co-conspirator  
13 caused the May 2000 Invoice to be revised so that it re-described  
14 the "E" as "Refreshments."

15       **Overt Act No. 21:** On or about June 2, 2000, defendant  
16 NICHOLAS caused a wire transfer of approximately \$32,000 to a co-  
17 conspirator.

18       **Overt Act No. 22:** On or about June 17, 2000, defendant  
19 NICHOLAS possessed and caused to be possessed approximately 280  
20 tablets of MDMA (ecstasy).

21       **Overt Act No. 23:** On about June 17, 2000, a co-conspirator  
22 recorded in a handwritten note the purchase of approximately 280  
23 tablets of MDMA (ecstasy) described as "Extacy 200 x \$20, Extacy  
24 \$20 x 50 + \$20 x 30" for defendant NICHOLAS in connection with  
25 the KROQ "Weenie Roast."

26       **Overt Act No. 24:** On or about June 19, 2000, a co-  
27 conspirator invoiced defendant NICHOLAS for expenses incurred and  
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1 services rendered in connection with the KROQ "Weenie Roast" in  
2 Anaheim.

3 **Overt Act No. 25:** In or around August 2000, defendant  
4 NICHOLAS attempted to construct a further underground room  
5 beneath the Rodeo Residence property.

6 **Overt Act No. 26:** Between approximately October 6 and 10,  
7 2000, in New York, New York, defendant NICHOLAS possessed and  
8 caused to be possessed various controlled substances for  
9 distribution to others.

10 **Overt Act No. 27:** On or about October 10, 2000, a co-  
11 conspirator invoiced defendant NICHOLAS for, among other things,  
12 approximately 32 tablets of MDMA (ecstasy) described as  
13 "Supplies: 30 x \$20 & 2 x \$10."

14 **Overt Act No. 28:** On or about October 13, 2000, defendant  
15 NICHOLAS possessed and caused to be possessed controlled  
16 substances for distribution to others in connection with a CD  
17 release party.

18 **Overt Act No. 29:** On or about October 13, 2000, a co-  
19 conspirator invoiced defendant NICHOLAS for, among other things,  
20 various controlled substances described as "Supplies per Nick"  
21 (the "October 13, 2000 Invoice").

22 **Overt Act No. 30:** On or about October 13, 2000, defendant  
23 NICHOLAS caused the October 13, 2000 Invoice to be paid.

24 **Overt Act No. 31:** On or about October 25, 2000, a co-  
25 conspirator recorded the purchase of \$3,500 worth of "e" or MDMA  
26 (ecstasy), along with other controlled substances, for defendant  
27 NICHOLAS.



1       **Overt Act No. 32:** On or about October 25, 2000, a co-  
2 conspirator invoiced defendant NICHOLAS for, among other things,  
3 various controlled substances described as "Supplies ... per  
4 Nick" (the "October 25, 2000 Invoice").

5       **Overt Act No. 33:** On or about October 26, 2000, defendant  
6 NICHOLAS caused the October 25, 2000 Invoice to be paid.

7       **Overt Act No. 34:** On or about October 28, 2000, at the Rodeo  
8 Residence, defendant NICHOLAS distributed MDMA (ecstasy) to  
9 others.

10       **Overt Act No. 35:** On or about November 10, 2000, a co-  
11 conspirator invoiced defendant NICHOLAS for, among other things,  
12 various controlled substances described as "Supplies" (the  
13 "November 10, 2000 Invoice").

14       **Overt Act No. 36:** On or about November 10, 2000, defendant  
15 NICHOLAS caused the November 10, 2000, Invoice to be paid.

16       **Overt Act No. 37:** In 2001, defendant NICHOLAS possessed and  
17 maintained the Rodeo Residence.

18       **Overt Act No. 38:** In 2001, defendant NICHOLAS possessed and  
19 maintained the Warehouse.

20       **Overt Act No. 39:** In or around 2001, defendant NICHOLAS  
21 directed co-conspirators to maintain a supply of cocaine, MDMA  
22 (ecstasy), methamphetamine, and other controlled substances for  
23 distribution and use at the Warehouse.

24       **Overt Act No. 40:** In 2001, defendant NICHOLAS regularly  
25 maintained and caused to be regularly maintained a supply of MDMA  
26 (ecstasy) tablets, cocaine, methamphetamine, and other controlled  
27 substances for distribution and use at the Warehouse.

1       **Overt Act No. 41:** In or around 2001, defendant NICHOLAS  
2 directed a Broadcom employee to maintain a constant supply of  
3 approximately \$10,000 in cash for defendant NICHOLAS's personal  
4 use.

5       **Overt Act No. 42:** Between approximately December 31, 2000,  
6 and January 3, 2001, defendant NICHOLAS distributed and caused to  
7 be distributed various controlled substances at the Warehouse.

8       **Overt Act No. 43:** On or about January 28, 2001, a co-  
9 conspirator drafted a "ballpark budget" for defendant NICHOLAS in  
10 connection with a Superbowl event at the Warehouse to include  
11 "225 Units" of "E" or MDMA (ecstasy).

12       **Overt Act No. 44:** On or about January 28 and 29, 2001,  
13 defendant NICHOLAS possessed and caused to be possessed  
14 approximately 225 tablets of MDMA (ecstasy).

15       **Overt Act No. 45:** On about January 28 and 29, 2001, at the  
16 Warehouse, defendant NICHOLAS distributed and caused to be  
17 distributed MDMA (ecstasy), cocaine, methamphetamine, and other  
18 controlled substances.

19       **Overt Act No. 46:** On or about February 15, 2001, a co-  
20 conspirator caused defendant NICHOLAS to be pre-billed for  
21 approximately \$5,000 for the purchase of controlled substances  
22 and other expenses for an event in Las Vegas, Nevada (the  
23 "February 15, 2001 Pre-Bill").

24       **Overt Act No. 47:** On or about February 16, 2001, defendant  
25 NICHOLAS caused the February 15, 2001 Pre-Bill to be paid.

26       **Overt Act No. 48:** On or about February 21, 2001, a co-  
27 conspirator invoiced defendant NICHOLAS for the Superbowl event  
28 of January 28 and 29, 2001.

1       **Overt Act No. 49:** In or around 2001, in the lobby of  
2 Broadcom's offices in Irvine, California, defendant NICHOLAS  
3 directed a Broadcom employee to provide approximately \$5,000 to  
4 \$10,000 in cash to a drug courier in exchange for an envelope  
5 containing controlled substances.

6       **Overt Act No. 50:** In or around 2001, defendant NICHOLAS  
7 distributed and used controlled substances during a flight on a  
8 private plane between Orange County, California, and Las Vegas,  
9 Nevada, causing marijuana smoke and fumes to enter the cockpit  
10 and requiring the pilot flying the plane to put on an oxygen  
11 mask.

12       **Overt Act No. 51:** In 2002, defendant NICHOLAS possessed and  
13 maintained the Rodeo Residence.

14       **Overt Act No. 52:** In 2002, defendant NICHOLAS possessed and  
15 maintained the Warehouse.

16       **Overt Act No. 53:** In 2002, defendant NICHOLAS possessed and  
17 maintained the Telescope House.

18       **Overt Act No. 54:** In 2002, defendant NICHOLAS possessed and  
19 maintained the Turnberry Condo.

20       **Overt Act No. 55:** On or about June 19, 2002, defendant  
21 NICHOLAS entered into a \$1,000,000 settlement agreement (the  
22 "Settlement Agreement") with a Broadcom employee who had  
23 knowledge of defendant NICHOLAS's unlawful narcotics activities.

24       **Overt Act No. 56:** On or about June 29, 2002, pursuant to  
25 the Settlement Agreement, which contractually prevented the  
26 Broadcom employee from speaking about defendant NICHOLAS's  
27 unlawful narcotics activities, Broadcom paid \$1,000,000 to the  
28 Broadcom employee and the employee's attorney.

1       **Overt Act No. 57:** On or about November 22, 2002, defendant  
2 NICHOLAS caused fees to be paid for the Turnberry Condo in the  
3 amount of approximately \$2,046.

4       **Overt Act No. 58:** In 2003, defendant NICHOLAS possessed and  
5 maintained the Telescope House.

6       **Overt Act No. 59:** In 2003, defendant NICHOLAS possessed and  
7 maintained the Turnberry Condo.

8       **Overt Act No. 60:** On or about April 25, 2003, defendant  
9 NICHOLAS caused fees to be paid for the Turnberry Condo in the  
10 amount of approximately \$2,046.

11       **Overt Act No. 61:** On or about July 2, 2003, defendant  
12 NICHOLAS caused fees to be paid for the Turnberry Condo in the  
13 amount of approximately \$2,071.

14       **Overt Act No. 62:** Between approximately October 3 and 5,  
15 2003, at the Turnberry Condo, defendant NICHOLAS distributed and  
16 caused to be distributed controlled substances.

17       **Overt Act No. 63:** In or around November 2003, defendant  
18 NICHOLAS caused a co-conspirator to pick up supplies for the  
19 Telescope House.

20       **Overt Act No. 64:** On or about November 26, 2003, defendant  
21 NICHOLAS caused fees to be paid for the Turnberry Condo in the  
22 amount of approximately \$2,071.

23       **Overt Act No. 65:** In 2004, defendant NICHOLAS possessed and  
24 maintained the Telescope House.

25       **Overt Act No. 66:** In 2004, defendant NICHOLAS possessed and  
26 maintained the Turnberry Condo.

1       **Overt Act No. 67:** On or about February 27, 2004, defendant  
2 NICHOLAS caused fees to be paid for the Turnberry Condo in the  
3 amount of approximately \$2,071.

4       **Overt Act No. 68:** On or about May 30, 2004, at the Turnberry  
5 Condo, defendant NICHOLAS distributed and caused to be  
6 distributed controlled substances.

7       **Overt Act No. 69:** On or about June 28, 2004, defendant  
8 NICHOLAS caused fees to be paid for the Turnberry Condo in the  
9 amount of approximately \$2,099.

10       **Overt Act No. 70:** In 2005, defendant NICHOLAS possessed and  
11 maintained the Telescope House.

12       **Overt Act No. 71:** In 2005, defendant NICHOLAS possessed and  
13 maintained the Turnberry Condo.

14       **Overt Act No. 72:** On or about January 27, 2005, defendant  
15 NICHOLAS caused fees to be paid for the Turnberry Condo in the  
16 amount of approximately \$2,221.

17       **Overt Act No. 73:** In or around April 2005, at the Rodeo  
18 Residence, defendant NICHOLAS possessed MDMA (ecstasy), cocaine,  
19 and methamphetamine.

20       **Overt Act No. 74:** On or about May 31, 2005, at the Turnberry  
21 Condo, defendant NICHOLAS distributed and caused to be  
22 distributed controlled substances.

COUNT TWO

[21 U.S.C. § 846]

I. OBJECTS OF THE CONSPIRACY

6. Paragraph One of this Indictment is incorporated herein by reference as though set forth in full.

7. Beginning in approximately January 2003 and continuing through approximately early 2006, in Orange County, within the Central District of California, and elsewhere, defendant NICHOLAS and other co-conspirators both known and unknown to the Grand Jury, knowingly and intentionally conspired and agreed with each other to acquire and obtain possession of controlled substances, namely vicoprofen, a Schedule III Controlled Substance, and diazepam (Valium), a Schedule IV Controlled Substance, by fraud, deception, and subterfuge in violation of Title 21, United States Code, Section 843(a)(3).

II. MEANS BY WHICH THE OBJECTS OF THE CONSPIRACY WERE TO BE ACCOMPLISHED

8. The objects of the conspiracy were carried out, and were to be carried out, in substance, as follows:

a. Defendant NICHOLAS caused co-conspirators and associates to obtain vicoprofen and diazepam under the false pretense that such controlled substances were for the use of those co-conspirators and associates, when in truth, as defendant NICHOLAS then knew, such controlled substances were for defendant NICHOLAS's own use and distribution; and

b. Defendant NICHOLAS distributed and used the vicoprofen and diazepam obtained under false pretenses.

1 **III. OVERT ACTS**

2 9. In furtherance of the conspiracy, and to accomplish its  
3 objects, on or about the following dates, defendant NICHOLAS and  
4 other co-conspirators known and unknown to the Grand Jury  
5 knowingly and intentionally committed and caused others to commit  
6 the following overt acts, among others, in the Central District  
7 of California and elsewhere:

8 **Overt Act No. 1:** On or about May 1, 2003, in Newport Coast,  
9 California, defendant NICHOLAS caused Pavilion's Pharmacy to  
10 dispense approximately 60 vicoprofen tablets in the name of a co-  
11 conspirator.

12 **Overt Act No. 2:** On or about July 2, 2003, in Newport Coast,  
13 California, defendant NICHOLAS caused Pavilion's Pharmacy to  
14 dispense approximately 60 vicoprofen tablets in the name of a co-  
15 conspirator.

16 **Overt Act No. 3:** On or about August 6, 2003, in Newport  
17 Coast, California, defendant NICHOLAS caused Pavilion's Pharmacy  
18 to dispense approximately 60 vicoprofen tablets in the name of a  
19 co-conspirator.

20 **Overt Act No. 4:** On or about September 23, 2003, in Newport  
21 Coast, California, defendant NICHOLAS caused Pavilion's Pharmacy  
22 to dispense approximately 60 vicoprofen tablets in the name of a  
23 co-conspirator.

24 **Overt Act No. 5:** On or about October 16, 2003, in Newport  
25 Coast, California, defendant NICHOLAS caused Pavilion's Pharmacy  
26 to dispense approximately 60 vicoprofen tablets in the name of a  
27 co-conspirator.

1       **Overt Act No. 6:** On or about January 7, 2004, in Newport  
2 Coast, California, defendant NICHOLAS caused Pavilion's Pharmacy  
3 to dispense approximately 60 vicoprofen tablets in the name of a  
4 co-conspirator.

5       **Overt Act No. 7:** On or about June 1, 2004, in Newport Coast,  
6 California, defendant NICHOLAS caused Pavilion's Pharmacy to  
7 dispense approximately 100 vicoprofen tablets in the name of a  
8 co-conspirator.

9       **Overt Act No. 8:** On or about July 1, 2004, in Newport Coast,  
10 California, defendant NICHOLAS caused Pavilion's Pharmacy to  
11 dispense approximately 60 diazepam tablets in the name of a co-  
12 conspirator.

13       **Overt Act No. 9:** On or about October 7, 2004, in Newport  
14 Coast, California, defendant NICHOLAS caused Pavilion's Pharmacy  
15 to dispense approximately 100 vicoprofen tablets in the name of a  
16 co-conspirator.

17       **Overt Act No. 10:** On or about December 15, 2004, in Newport  
18 Coast, California, defendant NICHOLAS caused Pavilion's Pharmacy  
19 to dispense approximately 100 vicoprofen tablets in the name of a  
20 co-conspirator.

21       **Overt Act No. 11:** On or about December 15, 2004, in Newport  
22 Coast, California, defendant NICHOLAS caused Pavilion's Pharmacy  
23 to dispense approximately 60 diazepam tablets in the name of a  
24 co-conspirator.

25       **Overt Act No. 12:** On or about March 10, 2005, in Newport  
26 Coast, California, defendant NICHOLAS caused Pavilion's Pharmacy  
27 to dispense approximately 100 vicoprofen tablets in the name of a  
28 co-conspirator.



**COUNT THREE**

**[21 U.S.C. § 856(a)(1)]**

10. Paragraphs One through Five of this Indictment are incorporated herein by reference as though set forth in full.

11. Between in or around May 2003 through approximately December 2007, in Orange County, within the Central District of California, defendant NICHOLAS knowingly and intentionally maintained and used a residence located at 9 Telescope, Newport Coast, California, namely the Telescope House, for the purpose of distributing and using controlled substances.

COUNT FOUR

[21 U.S.C. § 856(a)(1)]

12. Paragraphs One through Five of this Indictment are incorporated herein by reference as though set forth in full.

13. Between in or around May 2003 through approximately May 2008, in Orange County, within the Central District of California and in Clark County, within the District of Nevada, defendant NICHOLAS knowingly and intentionally maintained and used a condominium-style residence located at One Turnberry Place, 2877 Paradise Road, Suite 3201, Las Vegas, Nevada, namely the Turnberry Condo, for the purpose of distributing and using controlled substances.

14. To facilitate such maintenance and use of the Turnberry Condo, at various times, defendant NICHOLAS caused controlled substances to be transported from Orange County, California to the Turnberry Condo. Defendant NICHOLAS further paid condo fees and property taxes and performed other acts to maintain the Turnberry Condo from Orange County, California.

A TRUE BILL

151  
Foreperson

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